

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 18-35 and 47-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Egendorf (US PAT:6,976,008).

Re claim 18-35 and 47-48. Egendorf further discloses a method of brokering transactions between payors and merchants, comprising: presenting to a payor (i.e., customer, see the abstract and the summary of the invention) in response to a transaction between the payor and a merchant (i.e., vendor, see the summary of the invention), a request to select an account at a third party biller (i.e., a provider, see the summary of the invention) to which to charge a transaction amount; requesting authorization of the charge from the selected third party biller by electronically communicating data across a computer network indicating the identity of the payor and the transaction amount; triggering the selected third party biller to bill the payor; and causing a liquidity source (i.e., utility companies – telephone, cable, see the summary of the invention) that is not the same entity as the third party biller to electronically transfer

funds corresponding to the transaction amount from the liquidity source to the merchant via communication across a computer network, the liquidity source being repaid by the third party biller by way of the electronic transfer of at least a portion of the funds received by the third party biller from the payor (see col.5 lines 1-15) (see the abstract, the summary of the invention and col3 line 10-col. 4 line 30, also see col.7 lines 18-55).

Response to Arguments

Applicant's arguments filed on 11/18/10 have been fully considered but they are not persuasive. The applicant argues in substance that the prior art of record fails to disclose "causing a liquidity source that is not the same entity as the third party biller to electronically transfer funds corresponding to the transaction amount from the liquidity source to the merchant via communication across a computer network." While Egendorf teaches that the provider bills the customer for services rendered by a vendor, Egendorf further teaches that the billing account may not necessarily be with the provider, that is, it can be with a third party (see co.6 lines 44-54). Thus, inherently this third party liquidity source (i.e., utility accounts, AMEX ACCOUNT etc) provides funds corresponding to the transaction amount to the merchant/vendor.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJO O. OYEBISI whose telephone number is (571)272-8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Kyle can be reached on (571)272-8594. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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